

IN THE DRAWINGS

The attached drawing sheet includes amendments to Figure 1. This sheet, which includes Figure 1, replaces the original sheet including Figure 1.

Attachment: Replacement Sheet (1)
Annotated Sheet Showing Changes (1)

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-11, 16, 17, 19, 20 and 23-25 are pending in this application. Claims 1, 9 11 and 25 are independent. Claim 9 is hereby amended. Claim 25 is new. No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

The Abstract has been amended, thereby obviating the objection.

The drawings were objected to and are hereby amended.

Claim 24, which was rejected under 35 U.S.C. § 101, has been amended thereby obviating the rejection.

Claim 9, which was indicated as allowable, has been written in independent form.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-8, 11, 16, 17, 19 and 20 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,141,536 to Cvetkovic, et al. (hereinafter, merely

“Cvetkovic”) in view of U.S. Patent No. 6,792,258 to Nokes, et al. (hereinafter, merely “Nokes”).

Claims 10 and 23 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Cvetkovic and Nokes and further in view of U.S. Pub. No. 2002/0149707 to Van Der Wijst, et al. (hereinafter, merely “Van Der Wijst”).

Claim 24 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Cvetkovic and Nokes and further in view of U.S. Pub. No. 2002/0150182 to Dogan, et al. (hereinafter, merely “Dogan”).

Claim 1 recites, *inter alia*:

instantaneously switching the receiver's gain from a present gain value corresponding to said present frequency to a second gain value corresponding to an alternative frequency when the broadcast signal at said alternative frequency is checked, whereby said second gain value is adapted to the supposed signal strength of the broadcast signal at said alternative frequency,” (Emphasis added)

As understood by Applicant, Cvetkovic relates to an RDS receiver which has dual tuners and dual antennas and operates in two distinct modes, a diversity mode and a non-diversity mode. Diversity mode is when both tuners are tuned to a signal with the same program audio content and the audio from both tuners is blended together in a manner to minimize the effects of multipath distortion. In non-diversity mode, a forcing circuit isolates the tuner output signals so that one tuner provides the audio output while the other can be retuned to any other frequency for purposes of gathering RDS data.

As understood by Applicant, Nokes relates to a diversity receiver for receiving digital signals which has a soft-decision decoder in each of its receiving sections, to provide confidence values for the received decoded digital values, and combines the values from the receiving sections in dependence upon the confidence values. The system automatically

switches between different types of diversity reception, e.g. frequency and spatial diversity, in dependence upon the received signal quality.

As understood by Applicant, Van Der Wijst relates to an interface module for receiving television signals or radio signals, having several inputs and outputs for receiving and distributing picture and sound signals as well as control signals and at least one input for receiving antenna signals.

As understood by Applicant, Dogan relates to spatial processing of received signals in radio communications systems and, in particular, to combining spatial processing, timing estimates and frequency offsets, to resolve a signal using a training sequence.

Applicant submits that Cvetkovic, Nokes, Van Der Wijst and Dogan, taken either alone or in combination, fail to teach or suggest the above-identified features of claim 1. Specifically, there is no teaching or suggestion of instantaneously switching the receiver's gain from a present gain value corresponding to said present frequency to a second gain value corresponding to an alternative frequency when the broadcast signal at said alternative frequency is checked, whereby said second gain value is adapted to the supposed signal strength of the broadcast signal at said alternative frequency, as recited in independent claim 1.

Cvetkovic discloses automatically monitoring field strength or signal strength at alternative frequencies and switching the tuner which is reproducing audio signals for a given program to a frequency for which the strongest signals can be received. However, Cvetkovic does not alleviate the drawback of the prior art that the switching of a tuner might be noticed as a detected break and therefore might be heard in the reproduction of the broadcast. Specifically, Cvetkovic does not disclose switching the gain values such that no detectable break which might be heard appears. No adaptation to a supposed signal strength is disclosed or suggested.

The present application teaches switching the gain control for the new reception frequency to a value which is adapted to a supposed signal strength of the new and alternative frequency. Cvetkovic, on the other hand, discloses switching the amplifiers 20 or 22 in figure 1, to a maximum gain and the respective other amplifier to a minimum gain value. This is in contrast to the present application where the new gain value is adapted in order to fit to a supposed signal strength of the broadcast signal at a chosen alternative frequency.

Further, Nokes, Van Der Wijst and Dogan fail to meet the same limitations discussed above with respect to Cvetkovic.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 11 and 25 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the

Examiner specifically indicate those portion or portions of the reference or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800

Figure 2

DRM Signal